

REVIEW & OUTLOOK

Endangering Species

The aim of the 1973 Endangered Species Act is to recover plants and animals threatened or endangered with extinction. Does it work? Thirty-two years and hundreds of millions of dollars later, it would be nice to know.

So kudos to Representative Richard

Pombo, who ordered a comprehensive review of the law from the House Resources Committee, which he chairs. Mr. Pombo has long argued that the species act is broken in a way that not only renders it incapable of conserving plants and animals but also puts unnecessary burdens on private landowners. It turns out he was right.

The House report was compiled almost entirely from official records, including from the U.S. Fish & Wildlife Service and the National Marine Fisheries Service, which makes it difficult for critics to argue it's a political hit job. Of the nearly 1,300 domestic species on the endangered list, the law has managed to "recover" a grand total of 10. That's a success rate of less than 1%.

Supporters of the law would say that species recovery is slow work that has to be measured over a long period—say, 100 years. But even the trends don't look good. A mere 36% of listed species are considered stable or improving. And even this 36% is nothing to celebrate, given that in many cases the only reason a species is deemed on the mend is because officials overstated the problem in the first place.

When the plant, Johnston's frankenia, was first listed, it was thought to have dwindled to about 1,500 specimens. Oops, someone miscounted. There are close to nine million, which explains why Fish & Wildlife is now proposing to remove the plant from the endangered list. Of the 10 officially "recovered" species, six were subject to erroneous original data.

These errors have real financial consequences—in particular for other species recovery. Government resources are finite, and ev-

ery dollar spent on an erroneous listing is one less that could go to a species in need.

Take the Preble's meadow jumping mouse, which Fish & Wildlife also wants to de-list due

to mistaken scientific data. An economic assessment that accompanied the "critical habitat" designation

for this perfectly healthy animal estimated taxpayer and private costs would total \$79 million to \$183 million over 10 years.

Unlike other environmental laws, the Endangered Species Act doesn't require quality, peer-reviewed science in its listings. And since getting species on the list is often the simplest way for environmental groups to pursue other agendas—such as tying up private land and blocking development—they churn out dubious studies at the speed of procreating rabbits. Fish & Wildlife currently has 283 species that are candidates for listing—which would cost \$150 million to add. The agency's entire listing budget for fiscal 2004 was \$12.1 million.

Another problem is that the law doesn't allow for real priority setting. Call it the Lake Wobegone effect for species. In a statistic that defies logic, more than 92% of listed species have been accorded priorities that put them in the upper half of Fish & Wildlife's priority ranking system—i.e., they are all a top priority. This makes it impossible to focus on species truly in need.

Mr. Pombo has been trying to get species act reform rolling in the House, but Democrats don't want to amend a law that gives so much power to their green-lobby benefactors. One fix would be for Republicans on the Rules Committee to make appropriations money contingent upon reauthorizing the law, thereby forcing a debate. Mr. Pombo asked for such a ruling a while back, but his colleagues lacked the nerve. So the federal government will continue to enforce a law that costs more than it should and still doesn't protect the truly endangered.

A law with better intentions than results.